



# Journal of the Senate

Number 5

Thursday, January 28, 1982

## INTRODUCTION AND REFERENCE OF BILLS

### First Reading

The following bills are offered for introduction. This constitutes first reading as provided in Article III, Section 7 of the Constitution and the bills are referred as indicated.

By Senator McKnight—

SB 583—A bill to be entitled An act relating to medical assistance, amending s. 409.266(3), Florida Statutes; providing for recovery of payments; providing for assignment of financial rights; providing for release of medical information; providing for enforcement of subrogation rights; providing for imposition of liens; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services, and Appropriations.

By Senator Frank—

SB 584—A bill to be entitled An act relating to education; amending s. 236.013(2)(c), Florida Statutes, including certain high school students taking courses at public community colleges and state universities within the term "full-time equivalent student" for funding purposes; amending s. 236.083(1) and (6), Florida Statutes, including such students within the determination of school district transportation funding; authorizing additional transportation funding; adding a new subsection (3) to s. 236.122, Florida Statutes, authorizing school districts to reimburse such colleges and universities for instructional materials for such students; adding a subsection to s. 240.235 and a paragraph to s. 240.345(2), Florida Statutes, prohibiting such colleges and universities from charging certain fees to such students; adding a subsection to s. 240.271, Florida Statutes, and amending s. 240.359(3)(g), Florida Statutes, and adding a paragraph thereto, requiring state funding for such students; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Senator McClain—

SB 585—A bill to be entitled An act relating to voting methods and procedures; amending ss. 101.011(6), 101.5608(1), Florida Statutes; providing procedures that an elector must follow in marking a ballot card on which the offices and measures are not printed; providing that an elector may cover the completed ballot with the portion on which write-in votes may be cast; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By Senator Lewis—

SB 586—A bill to be entitled An act relating to Lee County; creating the Lee County Aviation Authority; prescribing purposes, powers, and duties; providing for appointment of members and providing their powers and duties; providing for control of existing facilities; providing credit not pledged; providing severability; providing termination; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator D. Childers—

SB 587—A bill to be entitled An act relating to local government; providing that a unit of local government that has

contracted with a private entity may not grant a fee or rate increase to the entity solely because the entity lost income or failed to receive the income it had anticipated in carrying out the contract; providing an effective date.

—was referred to the Committee on Economic, Community and Consumer Affairs.

By Senator Poole—

SJR 588—A joint resolution proposing the creation of Section 10 of Article IV of the State Constitution, relating to an elected Public Service Commission.

—was referred to the Committees on Commerce, and Rules and Calendar.

By Senator Johnston—

SB 589—A bill to be entitled An act relating to the career service system; amending s. 110.205(2)(p), Florida Statutes, providing for additional exempt positions; providing an effective date.

—was referred to the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

By Senator Beard—

SB 590—A bill to be entitled An act relating to municipal improvements; amending s. 170.01, Florida Statutes, authorizing municipalities to provide for mass transportation systems by levying and collecting special assessments on property; amending s. 170.09, Florida Statutes, increasing the maximum period for which special assessments for municipal improvements may be paid; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Grizzle—

SB 591—A bill to be entitled An act relating to corporations not for profit; amending s. 617.011, Florida Statutes; authorizing a corporation not for profit to organize upon either a nonstock basis or a stock basis; allowing compensation of certain persons rendering services to the corporation; providing for distribution of corporate assets upon dissolution or final liquidation; providing an effective date.

—was referred to the Committee on Commerce.

By Senators Dunn and Carlucci—

SB 592—A bill to be entitled An act relating to economic revitalization; amending s. 220.181(1), Florida Statutes; providing that the economic revitalization jobs creation incentive credit against the corporate income tax is renewable for each job created; providing a limitation on the credit for the same employee; deleting a requirement that a new business employee be employed no fewer than 6 months; authorizing carry-over of unused credit; amending s. 220.183(6)(a), Florida Statutes, and adding paragraph (4)(e) thereto; authorizing carry-over of unused community contribution tax credit; deleting the requirement that a proposal for the granting of such credit include a resolution of the local governmental unit certifying that the project is consistent with local plans and regulations; amending s. 288.608(6), Florida Statutes; providing that loans under the Community Development Corporation Support and Assistance Program be repaid within 15 years; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Finance, Taxation and Claims.

By Senator Vogt—

**SB 593**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; adding paragraph (d) to s. 212.08(5), Florida Statutes; providing that building materials used in the rehabilitation of real property located in a slum or blighted area shall be exempt from said tax; providing for a refund of previously paid taxes; providing for refund applications; requiring a sworn statement under penalty of perjury; providing a limitation of the number of and amount of refunds; providing for rules; providing for approval by the Department of Veteran and Community Affairs of areas qualified under the act; providing an effective and expiration date.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Finance, Taxation and Claims.

By Senators Hill, Gersten, Margolis, Ware and Gordon—

**SB 594**—A bill to be entitled An act relating to thoroughbred horse racing; amending s. 550.04, s. 550.08(1), s. 550.081, s. 550.09(3), s. 550.41(1), ss. 550.43, 550.45, 550.4904, Florida Statutes; extending the horseracing season to May 30; extending the maximum length of a race meet in any county to an aggregate of 75 days; reducing from three to two per season the number of periods per winter racing season; providing that each winter permittee may operate in only one of the two periods; defining the length and commencement dates for each period; providing for the allocation by the Florida Pari-mutuel Commission of the first and second periods of winter racing; modifying the tax on handle; changing the dates of the summer season for certain new permittees; redefining the winter season; providing for applications to conduct summer racing; deleting provisions for additional racing dates during the summer season; providing for the allocation of racing days during the summer season; allowing specified winter season permitholders to conduct meets during the summer season; modifying the maximum length of the period for summer racing; providing for the beginning days of the summer and the winter seasons; providing an effective date.

—was referred to the Committee on Commerce.

By Senator Vogt—

**SB 595**—A bill to be entitled An act relating to beach and shore preservation; amending s. 161.041, Florida Statutes; providing certain limitations on certain developments; amending s. 161.053(1), (4), Florida Statutes; providing for inclusion of sand dunes within coastal construction control lines; repealing provisions authorizing permits to construct certain structures; providing an effective date.

—was referred to the Committee on Natural Resources and Conservation.

By Senator Dunn—

**SJR 596**—A joint resolution proposing the amendment to Section 1 of Article VII of the State Constitution, to impose limitations on state expenditures and on the rate of growth in such expenditures and to require the Legislature to establish a budget stabilization fund.

—was referred to the Committees on Appropriations; Finance, Taxation and Claims; and Rules and Calendar.

By Senator Hair—

**SB 597**—A bill to be entitled An act relating to the Code of Ethics for public officers and employees; creating s. 112.3144, Florida Statutes; providing that persons filing full and public disclosure pursuant to Article II, Section 8 of the State Constitution are not required to file a limited disclosure for the same year except that a copy of such disclosure must be filed by a candidate for office with the officer before whom he qualifies; providing that certain personal items may be reported by category; renumbering s. 112.312(11)-(17), Florida Statutes, and adding a new subsection (11) to said section; defining "liability"; amending s. 112.3145(1)(c), (2)(c), (3)(e), (4), Florida Statutes; excluding persons elected to the United States Senate and House of Representatives from the definition

of "state officer"; requiring persons qualifying for a state office to file financial statements with the Secretary of State; requiring local officers to file financial statements with the supervisor of elections and persons qualifying for local public offices to file with the officer before whom they qualify; requiring local officers to file reports containing the names of certain clients they represent with the supervisor of elections; requiring state officers, elected constitutional officers and specified employees to file such reports with the Secretary of State; amending s. 112.313(2), (9)(a), (12), Florida Statutes; deleting reasonably prudent person test for solicitation or acceptance of gifts; requiring new appointees to public office to file a statement indicating their interest in a business granted the privilege of doing business in the state within 45 days after their appointment; requiring appointees to advisory boards to make certain disclosures to an appointing body or appointing person; amending s. 112.317(1)(c), Florida Statutes; providing additional penalties against candidates who violate the disclosure of financial interest requirements; amending s. 112.321(1), Florida Statutes; increasing the number of members of the Ethics Commission appointed by the Governor to five; amending s. 112.322(7), Florida Statutes; authorizing the commission to prepare certain materials; providing an effective date.

—was referred to the Committee on Governmental Operations.

By Senator Johnston—

**SB 598**—A bill to be entitled An act relating to pretrial release and detention; providing for pretrial release of persons charged with certain crimes under certain conditions; providing for pretrial detention of persons charged with certain crimes; establishing conditions for pretrial release and detention; providing procedures for pretrial release and detention; providing a conditional effective date.

—was referred to the Committees on Judiciary-Criminal and Judiciary-Civil.

By Senator McClain—

**SB 599**—A bill to be entitled An act relating to insurance; creating s. 628.4311, Florida Statutes, providing a procedure for the mutualization of nonprofit medical, surgical and hospital service plan corporations; specifying conditions for approval by the Department of Insurance; amending s. 628.041, Florida Statutes, providing for the applicability to certain domestic mutual insurers of general provisions relating to nonprofit corporations; amending s. 628.161, Florida Statutes, exempting certain mutualization from provisions relating to the initial qualifications for domestic mutuals; changing such qualifications; providing an effective date.

—was referred to the Committee on Commerce.

By Senators Frank, McClain and Beard—

**SB 600**—A bill to be entitled An act relating to Hillsborough County; amending section 8 of chapter 80-510, Laws of Florida; providing for the development and administration of a personnel program by the Hillsborough County Hospital Authority for all employees of the authority; providing duties and responsibilities of the authority personnel program; providing for grievance procedures to be administered by the authority; providing for the election of an employee advisory committee; providing for review by the Legislature; providing for repeal of section 8 of chapter 80-510, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators McClain, Frank and Beard—

**SB 601**—A bill to be entitled An act relating to Hillsborough County; prohibiting the operation of airboats between sunset and sunrise in certain areas; providing an exception; requiring notice of such prohibition at rental premises; providing for owner liability; providing a penalty; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Gordon—

**SB 602**—A bill to be entitled An act relating to education; amending s. 231.17, Florida Statutes; limiting the number of semester hours earned in professional preparation courses offered by a college of education; providing exceptions; requiring applicants for certification to meet requirements certified by institutions of higher learning; providing an effective date.

—was referred to the Committee on Education.

By Senator Gordon—

**SB 603**—A bill to be entitled An act relating to education; amending s. 228.041(13), Florida Statutes; increasing the number of hours in a school day for grades 10-12; providing definition of "in session"; amending s. 236.013(2)(a), Florida Statutes; increasing number of hours in a school week for full-time students in grades 10-12 and adult; providing an effective date.

—was referred to the Committee on Education.

By Senator Gordon—

**SB 604**—A bill to be entitled An act relating to business regulation; creating s. 509.2015, Florida Statutes, defining the term "receptive tour operator"; requiring such operators to annually register with the Division of Hotels and Restaurants of the Department of Business Regulation; providing registration fees; requiring performance bonds; providing for violations; providing penalties; providing for review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

—was referred to the Committees on Commerce and Appropriations.

By Senator Johnston—

**SJR 605**—A joint resolution proposing an amendment to Section 14, Article I of the State Constitution, relating to bail.

—was referred to the Committees on Judiciary-Criminal, Judiciary-Civil, and Rules and Calendar.

By Senator Henderson—

**SB 606**—A bill to be entitled An act relating to saltwater fisheries; creating s. 370.1123, Florida Statutes; prohibiting the taking of any snapper, grouper, grunts or porgies, hogfish, amberjack, or cobia except by hook and line or rod and reel; prohibiting the purchase, sale, or possession of any such species illegally caught; providing a daily bag limit; providing an exception; requiring the immediate refrigeration of any of such species caught for sale; providing for the confiscation of vehicles, vessels, or equipment used in the violation of this act; providing penalties; providing an effective date.

—was referred to the Committee on Natural Resources and Conservation.

By Senator Gordon—

**SB 607**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending ss. 212.03(1), (3), (6), 212.031(1), 212.04(1), (5), 212.05, 212.055(1), 212.06(1)(a), 212.08(3), (11), 125.0165(1), 206.45, 206.46, 212.20(1), Florida Statutes; amending s. 212.12(10), (11), Florida Statutes, renumbering subsections (12) and (13) of said section, and adding a new subsection (12) to said section; increasing the tax; reducing the discount for admissions tax collections; providing brackets; changing the name of the State Transportation Trust Fund; providing for distribution of tax receipts; creating various trust funds for deposit of such receipts; specifying uses of moneys in such trust funds; providing an effective date.

—was referred to the Committees on Appropriations; and Finance, Taxation and Claims.

By Senators McKnight and Rehm—

**SB 608**—A bill to be entitled An act relating to local comprehensive plans; amending s. 163.3177(6)(g), Florida Statutes; requiring the state land planning agency to adopt criteria for approval of coastal zone protection elements of comprehensive

plans; amending s. 163.3184(2), (3), Florida Statutes; requiring that review of comprehensive plans be based on criteria adopted by rule; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; and Economic, Community and Consumer Affairs.

By Senators Ware, Poole, Scott, Rehm, Lewis, Langley, Grizzle, Jennings, Stevens, McClain, Maxwell, Henderson and Tobiassen—

**SJR 609**—A joint resolution proposing an amendment to Section 1, Article VII of the State Constitution, relating to finance and taxation; providing that in no year shall the rate of increase in appropriations from state general tax revenues exceed the estimated rate of growth of the economy of the state as determined by law; providing that no appropriation in excess of this limitation shall be made unless the legislature sets forth the dollar amount and rate by which the limit will be exceeded; providing for a three-fifths vote of each house of the legislature to adopt any appropriation in excess of the limitation; providing for a working capital fund; providing for tax relief.

—was referred to the Committees on Appropriations; Finance, Taxation and Claims; and Rules and Calendar.

By Senator Anderson—

**SB 610**—A bill to be entitled An act relating to education; creating s. 232.257, Florida Statutes, to provide for a school safety fund; providing a formula for distribution; providing duties for school districts; providing responsibilities of the Commissioner of Education; providing for rules; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Senator Anderson—

**SB 611**—A bill to be entitled An act relating to medical malpractice; amending s. 768.47(1), Florida Statutes; providing for notice to the defendant specifying the alleged medical malpractice which resulted in death or injury; providing for an affidavit of a medical expert; providing an effective date.

—was referred to the Committees on Commerce and Judiciary-Civil.

By Senator Anderson—

**SB 612**—A bill to be entitled An act relating to medical malpractice; amending s. 768.48, Florida Statutes; limiting claims for general damages to \$250,000; providing for the reduction of future damage awards to present money value; providing an effective date.

—was referred to the Committees on Commerce and Judiciary-Civil.

By Senator Steinberg—

**SB 613**—A bill to be entitled An act relating to administrative procedures; providing a schedule for filing rules for adoption; providing exceptions; providing for assignment of certain agencies to the schedule by the Secretary of State; providing for publication of the schedule in the Florida Administrative Weekly; providing for notification of agencies; providing an effective date.

—was referred to the Committee on Governmental Operations.

By Senator Steinberg—

**SB 614**—A bill to be entitled An act relating to governmental reorganization; transferring the farmworker housing assistance program from the Executive Office of the Governor to the Department of Labor and Employment Security; amending s. 420.403(5), adding a new subsection (6) to said section, and renumbering present subsections (6), (7), (8), and (9) of said section; amending ss. 420.404(1), 420.405(1), (3), 420.406, 420.407, Florida Statutes; conforming language to reflect such transfer; transferring the migrant labor program from the Executive Office of the Governor to the Department of Labor and Employment Security; amending ss. 450.181(2), 450.191,

Florida Statutes; conforming language to reflect such transfer; amending ss. 450.211, 450.261, Florida Statutes; prescribing membership of the Legislative Commission on Migrant Labor and the Interstate Migrant Labor Commission; providing an effective date.

—was referred to the Committees on Governmental Operations and Appropriations.

By Senator Steinberg—

SB 615—A bill to be entitled An act relating to the state revenue laws; amending s. 213.053, Florida Statutes; providing for application of the provisions relating to confidentiality and information sharing to the tax on generation of hazardous waste; providing a penalty for officers and employees of the Department of Revenue who divulge certain information; providing an exception; authorizing the department to furnish certain information to the Comptroller; authorizing the department to provide certain information to certain agencies; providing an effective date.

—was referred to the Committees on Governmental Operations; and Finance, Taxation and Claims.

By Senators Peterson and Trask—

SB 616—A bill to be entitled An act relating to plant pests; amending s. 581.083, Florida Statutes; prohibiting the introduction into the state of any pest, parasite, or predator of other organisms without permit; prescribing conditions for the issuance of such permits; providing an effective date.

—was referred to the Committee on Agriculture.

By Senator Maxwell—

SB 617—A bill to be entitled An act relating to corrections, probation, and parole; amending ss. 947.04(2)(a), 947.071, 947.095, 947.12(2), 947.135(2), (3)(a), 947.16, 947.165(1), 947.172, 947.173(1), 947.174, 947.19(1), (2), Florida Statutes; creating s. 947.1745, Florida Statutes; providing for appointment of administrator for parole grant; specifying which orders of the Parole and Probation Commission shall be indexed; specifying authority of hearing examiners; providing per diem and traveling expenses for members of the Parole and Probation Qualifications Committee; providing intent; authorizing vocational training as an alternative in the mutual participation program; specifying eligibility for the initial parole interview; providing for postponement of initial interview; correcting a cross-reference; deleting prohibition against applying certain factors under the objective parole guidelines as aggravating circumstances; providing for establishment of presumptive release date; authorizing one review of presumptive release date; providing for subsequent interviews; providing for establishment of effective parole release date; deleting requirement that terms and conditions of parole be based on objective parole guidelines; providing an effective date.

—was referred to the Committee on Corrections, Probation and Parole.

By Senators Gordon, Margolis, Grizzle and Frank—

SCR 618—A concurrent resolution ratifying the proposed amendment to the Constitution of the United States relating to equal rights for men and women.

—was referred to the Committee on Rules and Calendar.

By Senator Henderson—

SB 619—A bill to be entitled An act relating to jai alai; amending s. 551.12, Florida Statutes; removing the requirement that the final game of a Saturday evening jai alai performance start no later than midnight; providing an effective date.

—was referred to the Committee on Commerce.

By Senator Margolis—

SB 620—A bill to be entitled An act relating to transportation; directing the Department of Transportation to take certain action with respect to the toll charges on specified expressways in Dade County; providing an effective date.

—was referred to the Committees on Transportation and Appropriations.

By Senators Gordon and Rehm—

SB 621—A bill to be entitled An act relating to homeopathic practice; providing intent; providing definitions; providing for applicability; providing for a Board of Homeopathic Examiners; providing membership and terms of the board; providing licensure requirements and eligibility requirements for examination; providing for issuance of license by endorsement; providing disciplinary actions and penalties and specific grounds therefor; prohibiting sexual misconduct; requiring homeopathic organizations to provide certain notification of disciplinary actions taken against homeopathic physicians; providing criminal penalties; providing for the renewal of licenses; providing for inactive status; providing for registration of homeopathic schools; providing for review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services, Governmental Operations, and Appropriations.

By Senator Margolis—

SB 622—A bill to be entitled An act relating to sexual battery; creating s. 794.07, Florida Statutes; requiring consent of a parent or guardian prior to the rendering of medical treatment to a minor victim of sexual battery; providing for medical treatment for minor victims of sexual battery in the absence of consent by parent or guardian under certain circumstances; removing liability therefor; providing for limited inspection of medical records; prohibiting disaffirmance of consent by the minor because of minority; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services and Judiciary-Criminal.

By Senator Gordon—

SCR 623—A resolution commending the New World Festival of the Arts for enhancing the reputation of the State of Florida by contributing to the cultural milieu, fostering tourism, and strengthening the economy.

—was referred to the Committee on Rules and Calendar.

By Senator D. Childers—

SB 624—A bill to be entitled An act relating to tangible personal property taxes; amending s. 193.114(3)(f), Florida Statutes; providing for apportioning the tax on certain tangible personal property under certain circumstances; providing an effective date.

—was referred to the Committee on Finance, Taxation and Claims.

By Senator Grizzle—

SB 625—A bill to be entitled An act relating to state contracts; providing legislative intent; requiring cost-benefit analysis and detailed supportive evidence prior to the execution of certain state contracts; requiring certain assessments; amending s. 119.011(1), Florida Statutes, redefining the term "public records" to include certain records with respect to contracts between public agencies and private corporations or individuals; creating s. 119.0113, Florida Statutes, providing that certain records shall be deemed public by virtue of state-contracted services; providing an effective date.

—was referred to the Committees on Governmental Operations, and Rules and Calendar.

By Senator Langley—

SJR 626—A joint resolution proposing an amendment to Section 14, Article I of the State Constitution, relating to bail.

—was referred to the Committees on Judiciary-Criminal, and Rules and Calendar.

By Senators Poole and Beard—

SB 627—A bill to be entitled An act relating to pleas of guilty; prohibiting a state attorney from negotiating a plea

and prohibiting the court from accepting a negotiated plea requiring a sentence of less than 3 years for persons indicted or against whom an information was filed with respect to committing a robbery while carrying a weapon; providing an effective date.

—was referred to the Committees on Judiciary-Criminal and Appropriations.

By Senator Ware—

SB 628—A bill to be entitled An act relating to Pinellas County; establishing certain designated lands as an industrial development zone; prohibiting municipal annexation of territory in the zone without approval of the Board of County Commissioners; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Steinberg—

SB 629—A bill to be entitled An act relating to tangible personal property taxation; amending s. 192.032(2), Florida Statutes, and adding subsection (7); providing that marine cargo containers used in foreign or interstate commerce shall not be deemed to have acquired taxable situs in the state under certain circumstances; providing an effective date.

—was referred to the Committees on Commerce; and Finance, Taxation and Claims.

By Senator Gordon—

SB 630—A bill to be entitled An act relating to the practice of midwifery; creating a new chapter 485, Florida Statutes, consisting of ss. 485.001-485.023, Florida Statutes; the Midwifery Practices Act; providing legislative intent; providing definitions; creating the Board of Midwifery within the Department of Professional Regulation; providing for appointment and terms of members; providing rulemaking authority; providing for disposition of fees and for expenditures of the board; providing for licensure by examination; providing for licensure by endorsement; specifying requirements with respect to midwifery programs; providing for examinations; specifying responsibilities of the licensed midwife; providing for informed consent of the client; providing for the development of an emergency care plan; requiring the keeping of certain records and the making of certain reports; providing for renewal of license; specifying violations and providing penalties therefor; providing for injunction; providing grounds for disciplinary actions and providing for disposition of disciplinary cases; providing for approval of midwifery programs; providing exceptions; providing saving clauses; repealing ss. 485.011, 485.021, 485.031, 485.041, 485.051, 485.061, 485.071, 485.081, and 485.091, Florida Statutes, relating to the regulation of the practice of midwifery through the Department of Health and Rehabilitative Services; providing for review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services, and Appropriations.

By Senators Peterson, Trask and Neal—

SB 631—A bill to be entitled An act relating to phosphate mining; amending s. 211.3103(1)-(3), Florida Statutes; revising the distribution of the proceeds of the phosphate severance tax; returning a percentage of such tax to certain cities and counties; continuing the funding of the Nonmandatory Land Reclamation Trust Fund until 1988; adding s. 378.031(3), Florida Statutes; limiting the time for certain land reclamation programs to be approved; providing an effective date.

—was referred to the Committees on Appropriations; and Finance, Taxation and Claims.

By Senator Margolis—

SB 632—A bill to be entitled An act relating to the Division of Hotels and Restaurants of the Department of Business Regulation; amending s. 509.211(3), Florida Statutes; providing that the division may, but is not required to, enforce rules adopted by the State Fire Marshal which relate to public

lodging establishments or public food service establishments; providing an effective date.

—was referred to the Committee on Governmental Operations.

By the Committee on Economic, Community and Consumer Affairs—

SB 633—A bill to be entitled An act relating to railroads; establishing legislative intent; providing definitions; providing powers of the commission; providing a procedure for approval of rates; providing an interim rates procedure; providing for experimental and transitional rates; providing for discontinuance of service; requiring duplicate freight receipts; providing fees; providing for legislative review; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Commerce.

By the Committee on Economic, Community and Consumer Affairs and Senator Steinberg—

SB 634—A bill to be entitled An act relating to condominiums; amending s. 718.503, Florida Statutes; specifying that the requirements for disclosure prior to sale apply only to residential condominiums; providing an effective date.

—was referred to the Committee on Economic, Community and Consumer Affairs.

By Senators Dunn, Vogt, Jenne, Frank and Stuart—

SB 635—A bill to be entitled An act relating to victims of crime; creating the Florida Crime Victims' Bill of Rights and Recovery Act; granting certain crime victims the right to appear and be heard in criminal proceedings; prescribing duties of state attorneys with respect to victims; providing a statutory cause of action whereby persons who suffer personal injury or property damage as a result of certain crimes, and the personal representative of such persons on behalf of survivors and the estate, may recover damages, punitive damages, and certain costs and attorneys' fees; providing that directors and officers of corporations are liable under certain circumstances; prescribing burden of proof in such actions; precluding certain defenses; providing that a judgment in favor of the state in a criminal proceeding estops the defendant in a civil action with respect to certain matters; providing that victims have a right to establish a lien against the proceeds derived from the commission of certain crimes; providing for injunctions and prescribing remedies available; providing for representation of state agencies; authorizing certain criminal discovery information to be made available; prescribing the statute of limitations for such civil actions and providing for suspension of the statute of limitations; providing that remedies are supplemental; providing for offset of other awards; providing an effective date.

—was referred to the Committees on Judiciary-Criminal and Judiciary-Civil.

By Senators McKnight and Jenne—

SB 636—A bill to be entitled An act relating to medical assistance; amending s. 409.266, Florida Statutes; providing for the confidentiality of complaints and information obtained pursuant to a Medicaid fraud and abuse investigation; providing an effective date.

—was referred to the Committee on Health and Rehabilitative Services.

By Senator Kirkpatrick—

SB 637—A bill to be entitled An act relating to the licensure of architects; amending s. 481.229(1), Florida Statutes; providing an exception from the licensing requirement for persons who make plans and specifications for, or supervise the construction or alteration of, townhouses; providing an effective date.

—was referred to the Committee on Economic, Community and Consumer Affairs.

By Senator Kirkpatrick—

**SB 638**—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091(3), Florida Statutes, authorizing school districts to offer early retirement benefits to certain employees; providing an appropriation from the General Revenue Fund; providing an effective date.

—was referred to the Committees on Education; Personnel, Retirement and Collective Bargaining; and Appropriations.

By Senators Vogt, Henderson, Grizzle, Carlucci, Dunn and Renick—

**SB 639**—A bill to be entitled An act relating to environmental regulation; providing a short title; amending s. 403.081, Florida Statutes; providing that the Department of Environmental Regulation establish coordination procedures with the Game and Fresh Water Fish Commission and the Department of Natural Resources to obtain certain advisory studies and reports; amending s. 403.087(4), Florida Statutes; requiring that permitted installations not interfere with conservation of animal, plant, or aquatic life; amending s. 403.813(2)(b) and (e), Florida Statutes, and adding paragraphs (p) and (q) to said subsection; modifying permit exemptions for installation and repair of certain mooring pilings, dolphins, private docks, and piers, and for repair and restoration of seawalls, and providing exemptions for installation and removal of duck blinds and for installation and maintenance of certain structures in artificially created water bodies by commercial forestry operations; amending s. 403.817(3), Florida Statutes; providing that the department may adopt amendments to certain vegetation or soil indices without legislative approval under certain conditions; repealing s. 253.76, Florida Statutes, which authorizes the Board of Trustees of the Internal Improvement Trust Fund to hear appeals of decisions of the department under chapter 253, Florida Statutes; providing an effective date.

—was referred to the Committee on Natural Resources and Conservation.

By Senator Rehm—

**SB 640**—A bill to be entitled An act relating to child abuse; amending s. 827.07(16), Florida Statutes; providing for state funding for each guardian ad litem program; specifying duties of office of State Courts Administrator; providing an effective date.

—was referred to the Committees on Judiciary-Civil and Appropriations.

By Senator Johnston—

**SB 641**—A bill to be entitled An act relating to intangible personal property taxes; amending s. 199.023(7), Florida Statutes; modifying a definition; amending s. 199.042(1)(a), Florida Statutes; providing that certain returns filed on certain days are not delinquent; providing an effective date.

—was referred to the Committee on Finance, Taxation and Claims.

By Senator Steinberg—

**SB 642**—A bill to be entitled An act relating to state government; transferring the Governor's Commission on Advocacy for Persons with Developmental Disabilities from the Executive Office of the Governor to the Department of Administration; providing an effective date.

—was referred to the Committees on Governmental Operations and Appropriations.

By Senators Steinberg and Stuart—

**SB 643**—A bill to be entitled An act relating to supplies and equipment of governmental agencies; prohibiting the purchase of certain forms, bond paper, and legal pads; prohibiting the purchase of certain file cabinets; requiring agencies to review existing forms; requiring the Division of Archives, History, and Records Management of the Department of State to provide assistance; prohibiting the use of certain forms, bond paper, and legal pads after a certain date; authorizing the continued use of certain file cabinets; providing an effective date.

—was referred to the Committees on Governmental Operations, and Rules and Calendar.

By Senator Gersten—

**SB 644**—A bill to be entitled An act relating to taxation; providing a declaration of public purpose; creating s. 211.35, Florida Statutes; providing for additional severance taxes; requiring the Department of Revenue to distribute the revenues from such tax to the counties; creating s. 212.0305, Florida Statutes; providing for an additional transient rental tax; requiring the department to distribute revenues from such tax to certain counties; creating s. 200.051, Florida Statutes; requiring each county to establish a Local Government Property Tax Relief Trust Fund; requiring the counties to deposit certain revenues into such trust fund; creating s. 200.052, Florida Statutes; providing for a credit against certain taxes levied against homestead property; providing duties of the governing body of each county and each property appraiser; authorizing the transfer and use by the county of certain moneys in the trust fund; providing an effective date.

—was referred to the Committee on Finance, Taxation and Claims.

By Senator Gersten—

**SJR 645**—A joint resolution proposing an amendment to Section 2, Article VII of the State Constitution, relating to rates of taxation, to permit taxation of homestead property at other than the uniform rate or to authorize application of a credit against the tax on homestead property.

—was referred to the Committees on Finance, Taxation and Claims; and Rules and Calendar.

By Senator Gersten—

**SB 646**—A bill to be entitled An act relating to county government; renumbering s. 125.012(24), (25), Florida Statutes, and adding a new subsection (24) to said section; granting counties the power to enter into contracts for the construction of and reimbursement for project facilities by tenants or users thereof; providing an effective date.

—was referred to the Committee on Economic, Community and Consumer Affairs.

By Senator Johnston—

**SB 647**—A bill to be entitled An act relating to management and storage of surface waters; repealing s. 373.403(6), Florida Statutes, which defines closed systems; repealing s. 373.406(3), Florida Statutes, relating to exemptions for closed systems from obtaining surface water management permits; providing an effective date.

—was referred to the Committee on Natural Resources and Conservation.

By Senators Skinner and Kirkpatrick—

**SB 648**—A bill to be entitled An act relating to tuition waivers for graduate assistants; requiring the Board of Regents to establish guidelines; providing certain criteria; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Senator Kirkpatrick—

**SB 649**—A bill to be entitled An act relating to purchasing; requiring all state agencies with authority to enter into contracts for commodities or services to procure such purchases from another state agency if available and economically feasible; eliminating the requirement for competitive bids in such instances; allowing purchases from the nonprofit prison industries corporation; providing an effective date.

—was referred to the Committees on Governmental Operations, and Rules and Calendar.



By Senator Margolis—

SB 650—A bill to be entitled An act relating to public school finance; amending s. 236.081(2) and (6)(a), Florida Statutes, relating to the determination of district cost differentials for the purpose of allocation of funds under the Florida Education Finance Program; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Senator Lewis—

SB 651—A bill to be entitled An act relating to ad valorem tax assessment; adding subsection (9) to s. 193.011, Florida Statutes; providing for appraisal of certain property used as a single-family residence; providing an effective date.

—was referred to the Committee on Finance, Taxation and Claims.

By Senator Dunn—

SB 652—A bill to be entitled An act relating to legal assistance; creating the "Legal Assistance Corporation of Florida Act of 1982"; providing legislative intent; providing definitions; creating the Legal Assistance Corporation of Florida, a quasi-public, nonprofit corporation to provide certain legal assistance to the poor; requiring the corporation and certain other nonprofit corporations and associations to apply for federal tax exemptions; creating a board of directors for the corporation; providing powers and duties of the corporation; providing for annual audits of the corporation; providing for state support; providing an effective date.

—was referred to the Committees on Judiciary-Civil, Governmental Operations and Appropriations.

By Senator McKnight—

SB 653—A bill to be entitled An act relating to mental health; amending s. 394.453, Florida Statutes, modifying intent; amending s. 394.455(2), (3), (13), (17), (20), (21), and (22), Florida Statutes, adding and modifying definitions; amending s. 394.457(2), (5)(a), and (6)(b), Florida Statutes, modifying responsibilities of the Department of Health and Rehabilitative Services, providing for rules, and correcting a cross-reference; amending s. 394.459(1), (2), (3)(a), (4)(b), (5)(d) and (e), (9)(a) and (b), and (11), Florida Statutes, and adding subsection (14) thereto, relating to rights of patients; amending s. 394.460, Florida Statutes, relating to rights of professionals; amending s. 394.461(1), Florida Statutes, and adding a paragraph to subsection (4) of said section, as amended, to provide for examination, rather than evaluation, of persons by receiving facilities, and to provide that no receiving facility shall be required to accept for examination and treatment any person with certain felony charges pending; amending s. 394.463, Florida Statutes; providing for involuntary examination of persons at receiving facilities under certain conditions; providing procedure; providing for disposition upon examination; providing for notice of release; amending s. 394.465(2)(b) and (5), Florida Statutes, clarifying a reference and providing for transfer of patients from voluntary to involuntary status under certain conditions; amending s. 394.467(1)(b), (2), (3), and (4)(a) and (h), Florida Statutes, relating to involuntary placement; providing conditions therefor; modifying procedure for admission; limiting waiver of hearings; providing for informality; correcting references; deleting provisions relating to competency hearings conducted by hearing examiners; amending s. 394.469(2) and (3), Florida Statutes, and adding a subsection to said section, relating to discharge of patients, modifying notice requirements; amending s. 394.473, Florida Statutes, clarifying references and deleting certain provisions relating to persons adjudged incompetent; amending s. 394.475, Florida Statutes; clarifying a reference; amending s. 394.478(1)(a), Florida Statutes; clarifying a reference; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services and Appropriations.

By Senator Steinberg—

SB 654—A bill to be entitled An act relating to finance and taxation; amending s. 215.20, Florida Statutes; providing for a certain deduction from all state trust funds; providing exemp-

tions; providing for application of such deduction to certain tax revenues; repealing s. 215.22, Florida Statutes, relating to enumeration of certain moneys and trust funds; providing an effective date.

—was referred to the Committees on Finance, Taxation and Claims; and Appropriations.

By Senator Hair—

SB 655—A bill to be entitled An act relating to workers' compensation; amending s. 440.15(6)(b), Florida Statutes, relating to compensation for hernia resulting from injury by an accident arising in the course of employment, to modify the period for which compensation is authorized; providing an effective date.

—was referred to the Committee on Commerce.

By Senator Renick—

SB 656—A bill to be entitled An act relating to traffic accidents; amending s. 316.027(2), Florida Statutes; providing a penalty; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By Senator Maxwell—

SB 657—A bill to be entitled An act relating to educational multiagency services for severely emotionally disturbed students; renumbering s. 230.2317(6), (7), Florida Statutes, and adding a new subsection (6) to said section; providing that in school districts not participating in multiagency services, the services and cost thereof for students who require residential placement shall be provided jointly by the school district and the Department of Health and Rehabilitative Services; providing an effective date.

—was referred to the Committees on Education and Appropriations.

SB 658—Withdrawn prior to introduction.

By Senator Ware—

SB 659—A bill to be entitled An act relating to education; creating s. 236.69, Florida Statutes; providing definitions; authorizing school boards to issue state aid anticipation certificates; specifying duties of Commissioner of Education; providing that certificates may bear interest or be issued at a discount; specifying content of resolution authorizing issuance of certificates; providing for execution and sale; requiring notice to Department of Education; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Senator Skinner—

SB 660—A bill to be entitled An act relating to unemployment compensation; amending s. 443.131(4)(b), Florida Statutes; providing circumstances under which a nonprofit employer is not required to reimburse the Unemployment Compensation Trust Fund for benefits paid to a part-time employee; providing an effective date.

—was referred to the Committee on Commerce.

By Senator Carlucci—

SB 661—A bill to be entitled An act relating to probation violation; renumbering s. 948.06(2), Florida Statutes, and adding a new subsection (2) to said section; providing a defense to the charge of probation violation based on the inability to pay restitution; providing an effective date.

—was referred to the Committee on Corrections, Probation and Parole.

By Senators Peterson, W. D. Childers, Carlucci and Dunn—

SB 662—A bill to be entitled An act relating to the Department of Natural Resources; creating the Division of Civilian Conservation in the department; establishing the Conservation

Corps of Florida under the director of the division; providing responsibilities and duties of the director; authorizing the director to adopt criteria for the employment and service of members of the corps; authorizing the director to adopt rules governing the corps; providing for camps and work programs for the corps; authorizing the director to act on behalf of the corps; providing for future repeal; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation, and Appropriations.

By Senator Maxwell—

**SB 663**—A bill to be entitled An act relating to financial institutions; creating part II of chapter 655, Florida Statutes, relating to cross-industry conversions, mergers and acquisitions; providing definitions; providing procedures for the conversion of a charter of a financial institution; limiting conversions; requiring an application fee for conversion; providing for the merger or consolidation of capital stock financial institutions and mutual financial institutions; requiring a fee; providing that a financial institution may acquire the capital stock of any other financial institution; providing procedures for the acquisition of assets or assumption of liabilities of a financial institution by another such institution; providing for the book value of assets upon merger, consolidation or conversion; providing for the continuation of the entity of the participating or converting institution; providing for the continuation of pending actions and other judicial proceedings and creditors' rights; providing exceptions; providing conditions in the case of a resulting institution which is different from the participating or converting institutions; amending s. 657.042(5), Florida Statutes, authorizing a credit union to invest its funds in the capital stock of other financial institutions; amending s. 658.67(6), Florida Statutes, providing that a bank may invest in the stock of certain subsidiary corporations; amending s. 665.0311, Florida Statutes, relating to an association's power to reorganize, merge or consolidate; amending s. 665.035(3)(c), Florida Statutes, providing business activities deemed to be proper incidents to the operation of a capital stock association; amending s. 665.0701(6), Florida Statutes, authorizing an association to invest its funds in the capital stock of other financial depository institutions; providing for review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

—was referred to the Committee on Commerce.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 21 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Martinez—

**HB 21**—A bill to be entitled An act relating to trespass upon grounds or facilities of public schools; amending s. 228.091(1)(b) and (2)(b), Florida Statutes; providing that trespassing upon grounds or facilities of public schools is a second degree misdemeanor; providing that trespassing upon grounds or facilities of public schools after being directed to leave is a first degree misdemeanor; authorizing detention of trespassers pending arrival of a law enforcement officer; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed HB 176, HB 393, HB 424, HB 425, HB 426 and HB 449 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Regulatory Reform—

**HB 176**—A bill to be entitled An act relating to sunset review; providing intent; repealing section 2 of chapter 81-4, section 7 of chapter 81-67, section 2 of chapter 81-101, section 6 of chapter 81-115, section 3 of chapter 81-117, section 2 of

chapter 81-134, section 3 of chapter 81-148, section 5 of chapter 81-152, section 4 of chapter 81-156, section 7 of chapter 81-172, section 21 of chapter 81-177, section 12 of chapter 81-179, section 6 of chapter 81-184, section 2 of chapter 81-194, section 8 of chapter 81-209, section 2 of chapter 81-215, section 6 of chapter 81-227, section 2 of chapter 81-253, section 3 of chapter 81-282, section 6 of chapter 81-289, section 25 of chapter 81-292, sections 15, 18, 21, 24, and 26 of chapter 81-302, and subsection (1)(q) of section 2 of chapter 81-318, Laws of Florida, all of which provide conflicting repeal dates for various provisions of the Florida Statutes scheduled for future review and repeal in accordance with the Regulatory Sunset Act; repealing ss. 231.381(2), 400.023(2), 400.063(5), 400.126(12), 400.179(5), 400.418(2), 400.419(7), 400.422(13), 400.426(2), 400.428(9), 400.429(2), 400.435(4), 400.452(2), 400.454(3), 624.031(2), and 626.342(4), Florida Statutes, 1980 Supplement, and ss. 627-574(3), 627.575(3), and 627.669(6), Florida Statutes, removing obsolete review and repeal provisions; repealing section 3 of chapter 81-57, section 2 of chapter 81-74, and section 6 of chapter 81-81, Laws of Florida, which schedule ss. 468.144, 509.291, and 616.251, Florida Statutes, respectively, for review and repeal pursuant to the Sundown Act on dates other than those on which the same sections are scheduled for review and repeal pursuant to the Regulatory Sunset Act; providing an effective date.

—was referred to the Committees on Governmental Operations, and Rules and Calendar.

By the Committee on Agriculture & General Legislation—

**HB 393**—A bill to be entitled An act relating to citrus excise taxes; amending s. 601.15(7)(f), Florida Statutes; removing the 3-year limitation on authority of the Florida Citrus Commission to expend a percentage of said taxes on certain domestic advertising; authorizing said commission to expend an additional percentage of said taxes on certain foreign advertising; providing an effective date.

—was referred to the Committees on Agriculture; and Finance, Taxation and Claims.

By the Committee on Finance & Taxation—

**HB 424**—A bill to be entitled An act relating to probate and the administration of estates and filing of tax claims by the Department of Revenue; amending s. 198.35, Florida Statutes, deleting reference to a date with respect to estate and inheritance tax laws to conform Florida law to the most recent changes in the United States Internal Revenue Code; amending s. 731.111(2), Florida Statutes, providing for filing of a claim by the Department of Revenue within 30 days after the filing of an amended inventory; providing an effective date.

—was referred to the Committee on Finance, Taxation and Claims.

By the Committee on Finance & Taxation—

**HB 425**—A bill to be entitled An act relating to homestead exemptions; amending s. 196.161(1)(a), Florida Statutes; revising interest rate on taxes due on property of certain deceased nonresidents which was allowed a homestead exemption; providing an effective date.

—was referred to the Committee on Finance, Taxation and Claims.

By the Committee on Finance & Taxation—

**HB 426**—A bill to be entitled An act relating to ad valorem taxation; designating parts I-VIII of chapter 197, Florida Statutes; transferring and renumbering various sections; amending ss. 190.024, 193.1145(10)(a), 197.013(5), 197.116(9), 197-226(1), 336.59(2), and 582.44, Florida Statutes, correcting cross references; repealing s. 197.356, Florida Statutes, relating to implementation of revisions of chapter 197; providing an effective date.

—was referred to the Committee on Finance, Taxation and Claims.

By the Committee on Regulatory Reform—

**HB 449**—A bill to be entitled An act relating to legislative review of advisory bodies, commissions, and boards of trustees



adjunct to executive agencies; amending s. 11.611, Florida Statutes; providing legislative intent; providing definitions; repealing various provisions of law relating to advisory bodies, commissions, and boards of trustees adjunct to executive agencies; providing for review of such provisions prior to repeal; providing for periodic review of advisory bodies, commissions, and boards of trustees adjunct to executive agencies which are continued, reestablished, or created; prescribing criteria to be used in such review; prescribing criteria to be used in continuing, reestablishing, or creating such units of government; deleting provision for a joint select committee; providing for minutes of meetings to be kept; providing for approval of appropriations committees prior to expenditure of funds by nonstatutory committees which have been in existence for 1 year; providing for the abolition of units of government and the preservation of records; preserving certain causes of action; providing for effect on pending prosecutions, investigations, or disciplinary actions; amending s. 20.03(7), (8), and (10), Florida Statutes, and adding a subsection; providing definitions; adding a subsection to s. 216.031, Florida Statutes; providing for a schedule to accompany executive agency budget requests; requiring the Division of Statutory Revision to place a list of repealed entities in the Florida Statutes; repealing chapter 78-323, Laws of Florida, and s. 11.6115, Florida Statutes, as amended, relating to the Sundown Act; repealing various provisions of the Laws of Florida which repeal various laws relating to advisory bodies, commissions, and boards of trustees adjunct to executive agencies and which require such laws to be reviewed pursuant to the Sundown Act; providing an effective date.

—was referred to the Committee on Governmental Operations.

The Senate was called to order by the President at 9:00 a.m. A quorum present—39:

|               |             |          |           |
|---------------|-------------|----------|-----------|
| Mr. President | Hair        | Margolis | Skinner   |
| Anderson      | Henderson   | Maxwell  | Steinberg |
| Barron        | Hill        | McClain  | Stevens   |
| Beard         | Jenkins     | McKnight | Stuart    |
| Carlucci      | Jenne       | Neal     | Thomas    |
| Childers, D.  | Jennings    | Peterson | Tobiasen  |
| Dunn          | Johnston    | Poole    | Trask     |
| Frank         | Kirkpatrick | Rehm     | Vogt      |
| Gersten       | Langley     | Renick   | Ware      |
| Grizzle       | Lewis       | Scott    |           |

Prayer by Dr. Harold Hunter, Pastor, North Jacksonville Baptist Church, Jacksonville:

Our Father, we thank you that you are the source of all wisdom and all knowledge. We thank you, Heavenly Father, that we have insights that we never thought ourselves capable of because you have oversight in our lives. We thank you for each of the men and women who are represented here today and the districts and the areas that they represent throughout this great state. And I pray, Heavenly Father, that each day will be a day that they will be assured of your presence, even today. In Christ Jesus' name. Amen.

## REPORTS OF COMMITTEES

The Committee on Commerce recommends the following pass: SB 394, SB 417

The Committee on Corrections, Probation and Parole recommends the following pass: SB 277

The Committee on Education recommends the following pass: SB 307 with 2 amendments

The Committee on Governmental Operations recommends the following pass: SB 245 with 1 amendment, SB 250, SB 319 with 1 amendment

The Committee on Judiciary-Civil recommends the following pass: SB 323, SB 258, SB 402

The Committee on Education recommends the following pass: SB 436

The bills contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 381

The bill was referred to the Committee on Commerce under the original reference.

The Committee on Commerce recommends the following pass: SB 71 with 1 amendment

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 49

The Committee on Agriculture recommends the following pass: SB 79, SB 192, SB 193

The bills contained in the foregoing reports were referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 195

The Committee on Judiciary-Civil recommends the following pass: SB 259 with 1 amendment

The Committee on Education recommends the following pass: SB 215 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Governmental Operations under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 153 with 1 amendment

The Committee on Judiciary-Criminal recommends the following pass: SB 239 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Judiciary-Civil under the original reference.

The Committee on Education recommends the following pass: SB 127

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Governmental Operations recommends the following pass: SB 387

The bill was referred to the Committee on Judiciary-Criminal under the original reference.

The Committee on Corrections, Probation and Parole recommends the following pass: SB 404 with 1 amendment

The bill was referred to the Committee on Personnel, Retirement and Collective Bargaining under the original reference.

The Committee on Commerce recommends the following pass: SB 271, SB 462

The Committee on Corrections, Probation and Parole recommends the following pass: SB 126

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 339

The Committee on Education recommends the following pass: SB 293

The Committee on Governmental Operations recommends the following pass: SB 219 with 2 amendments, SB 302, SB 322 with 2 amendments

The Committee on Health and Rehabilitative Services recommends the following pass: SB 303, SB 331, SB 353 with 1 amendment

The Committee on Judiciary-Civil recommends the following pass: SB 260, SB 261, SB 265, SB 274 with 1 amendment, SB 299 with 5 amendments, SB 355, SB 439, SB 411 with 1 amendment, SB 453

The Committee on Judiciary-Criminal recommends the following pass: SB 425 with 1 amendment, SB 104 with 2 amendments, SB 482 with 2 amendments

The Committee on Agriculture recommends the following pass: SB 305 with 1 amendment

The Committee on Transportation recommends the following pass: SB 386, SB 469 with 1 amendment

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Transportation recommends the following not pass: SB 60

The Committee on Agriculture recommends the following not pass: SB 2

The bills were laid on the table.

The Committee on Economic, Community and Consumer Affairs recommends a committee substitute for the following: SB 289

The Committee on Natural Resources and Conservation recommends committee substitutes for the following: SB 336, SB 338

The Committee on Agriculture recommends a committee substitute for the following: Senate Bills 278 and 333

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: SB 183, SB 184

The Committee on Transportation recommends a committee substitute for the following: SB 376

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Committee on Commerce recommends a committee substitute for the following: SB 407

The Committee on Governmental Operations recommends a committee substitute for the following: SB 88

The Committee on Judiciary-Civil recommends a committee substitute for the following: SB 332

The Committee on Natural Resources and Conservation recommends committee substitutes for the following: SB 144, SB 344

The Committee on Agriculture recommends a committee substitute for the following: SB 182

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: SB 314, SB 364

The Committee on Judiciary-Civil recommends a committee substitute for the following: SB 345

The Committee on Transportation recommends a committee substitute for the following: SB 273

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

#### REQUESTS FOR EXTENSION OF TIME

January 28, 1982

The Committee on Corrections, Probation and Parole requests an extension of 15 days for consideration of the following: SB 59, SB 290, SB 294, SB 337, SB 384, SB 471, SB 487

The Committee on Education requests an extension of 15 days for consideration of the following: SB 23, SB 37, SB 85, SB 139, SB 148, SB 179, SB 185, SB 187, SB 218, SB 235, SB 257, SB 286, SJR 287, SB 304, SB 311, SB 321, SB 335, SB 348, SB 354, SB 372, SB 391, SB 414, SB 427, SB 428, SB 429, SB 430, SB 442, SB 445, SB 451

The Special Master for Claims requests an extension of 15 days for consideration of the following: SB 232, SB 291, SB 346, SB 360, SB 361, SB 362, SB 363

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Margolis, SB 658 was withdrawn prior to introduction.

On motions by Senator Renick, the rules were waived and by two-thirds vote Senate Bills 114 and 118 were withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Stevens, the rules were waived and by two-thirds vote SB 109 was withdrawn from the committee of reference and indefinitely postponed.

On motion by Senator Poole, by two-thirds vote SB 331 was removed from the calendar and referred to the Committee on Judiciary-Civil.

#### MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

##### Appointments Subject to Confirmation by the Senate:

The Secretary of State has certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

| <i>Office and Appointee</i>  | <i>For Term Ending</i> |
|--|------------------------|
| State Community College Coordinating Board, Member<br>Jones, Elizabeth N., Gainesville                                       | 9/15/85                |
| Board of Cosmetology, Members<br>Daniels, Jo, Tallahassee<br>Williams, Irene E., Tampa                                       | 1/1/86<br>1/1/86       |
| Education Practices Commission, Member<br>Dunlap, Mildred S., Orlando  | 9/30/84                |
| Electrical Contractors' Licensing Board, Members<br>Bennett, Lester M., Pompano Beach<br>Lewis, Jerry (Madge L.), Okeechobee | 12/17/85<br>12/17/85   |
| Florida State Fair Authority, Member<br>Urbanski, James F., Tampa  | 6/30/82                |
| Citrus County Hospital, Board of Trustees, Member<br>Kofmehl, Charles Phillip, Crystal River                                 | 7/5/85                 |
| South Lake County Hospital District Board of<br>Trustees, Member<br>Kurfiss, Reginald D., Groveland                          | 7/5/85                 |

| <i>Office and Appointee</i>   | <i>For Term<br/>Ending</i> |
|---|----------------------------|
| State Board of Independent Colleges and Universities, Members<br>Cheshire, Richard D., Tampa<br>Wilson, Charles F., Tampa | 9/30/83<br>9/30/83         |
| Florida Public Service Commission, Member<br>Marks, John, Tallahassee   | 1/1/86                     |
| State Retirement Commission, Member<br>Cail, Clifford M., Tallahassee   | 12/31/82                   |
| Suwannee River Water Management District, Member<br>Gerlach, Philip E., Jr., Lake City                                    | 7/1/83                     |
| [Referred to the Committee on Executive Business.]  |                            |
| Board of Regents, Member<br>Leonard, William F., Ft. Lauderdale   | 1/1/87                     |
| [Referred to the Committees on Education and Executive Business.]   |                            |

On motion by Senator Kirkpatrick, the rules were waived and by two-thirds vote SR 359 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Kirkpatrick—

SR 359—A resolution recognizing February as “Ronald McDonald/Up With People” month.

—was taken up out of order by unanimous consent and read the second time.

Senators Tobiasen and W. D. Childers offered the following amendment which was moved by Senator Tobiasen and adopted:

Amendment 1—On page 1, line 12, after the word “Hospital”, insert: the Sacred Heart Children’s Hospital in Pensacola,

On motion by Senator Tobiasen, SR 359 as amended was read in full and adopted. The vote on adoption was:

Yeas—40

|               |             |          |           |
|---------------|-------------|----------|-----------|
| Mr. President | Grizzle     | Lewis    | Scott     |
| Anderson      | Hair        | Margolis | Skinner   |
| Barron        | Henderson   | Maxwell  | Steinberg |
| Beard         | Hill        | McClain  | Stevens   |
| Carlucci      | Jenkins     | McKnight | Stuart    |
| Childers, D.  | Jenne       | Neal     | Thomas    |
| Dunn          | Jennings    | Peterson | Tobiasen  |
| Frank         | Johnston    | Poole    | Trask     |
| Gersten       | Kirkpatrick | Rehm     | Vogt      |
| Gordon        | Langley     | Renick   | Ware      |

Nays—None

All Senators voting in the affirmative were recorded as co-introducers of SR 359.

#### Special Guests

The President invited Senator Kirkpatrick to the rostrum where he presented to the Senate Kathy Leonard, regional tour coordinator for the “Up With People” show, which has donated its time during February to tour Florida, performing for the benefit of Ronald McDonald Houses; Deanna Jansen, cast director for “Up With People”; Carol Lynch, regional vice chairperson of the board of directors for Ronald McDonald Houses, Inc.; and Hank Rye, manager for McDonald’s Restaurants in Tallahassee. Each guest addressed the Senate briefly. Senator Kirkpatrick also introduced Eric Stafford, a patient at Shands Teaching Hospital, Gainesville.

Ronald McDonald Houses serve as a home away from home for families who must travel from all over the state to be close to their children who are being treated for serious illnesses. These hospitality houses are being established at the University of Miami, Jackson Memorial Hospital; the University of South Florida, All Children’s Hospital; the University of Florida, Shands Teaching Hospital; and Sacred Heart Children’s Hospital in Pensacola.

On motion by Senator Dunn, the rules were waived and time of adjournment was extended until 10:00 a.m.

Senator Gordon presiding

On motion by Senator Dunn, the following remarks of Senator Gordon and Dr. William W. Rogers were published in the Journal as a lasting tribute to President Franklin Delano Roosevelt:

**Senator Gordon:** Mr. President, Senators, Saturday, January 30th, will be the one hundredth anniversary of the birth of Franklin Delano Roosevelt. I was sort of distressed as I looked through the Senate handbook and discovered there are only five of us here who would have been old enough to have voted for him at least once and probably not too many who can really remember the time he was President.

It is a significant memory for me because, first of all, it was the first presidential election in which I ever voted. It was in 1944, aboard a ship in the Pacific, voting absentee. I also have a very vivid memory of the day he died. I was in an infantry unit in Okinawa and we got out of our foxholes that morning and got the news. It was a time when we were faced daily with death of friends and buddies and yet the sadness of that day is something, shared by everyone, that I don’t forget very easily.

Also, I happen to have a memory of his inaugural. I don’t think anybody who really didn’t live through the Depression and understand it can really appreciate the kind of impact that he and his administration had.

But I remember his inaugural. I remember, “The only thing we have to fear is fear itself”, and listening to that on the radio in Detroit in a house that was about to be foreclosed and in a city where the banks had been closed for three or four months and where nobody really had any money. What happens when you go over a budget and you don’t have any money, you print your own. The City of Detroit was paying its employees in script and if you went twenty miles outside into another city, you could discount that script for sixty or seventy cents, in order to have some real dollars because everybody wouldn’t take the script.

When you come through experiences like that it obviously molds the way in which you look at government and the way in which you look at life.

I thought that since today there is a joint session of Congress, which is going on for the purpose of commemorating Roosevelt’s birthday, that the least we could do here in a state that Roosevelt visited many times is have some few moments of examining that part of history. So, we asked Dr. Sliger if there weren’t someone on the faculty at FSU who had a particular interest in the area. He suggested we get Dr. William Rogers.

It turned out that Dr. Rogers was not only a well-known local historian, but a very popular teacher and his knowledge of the South seems to make him one of the most popular teachers. The courses he instructs for the Center for Professional Development are among those most sought-after in the continuing education curriculum.

He has been a member of the FSU history faculty since 1959. He earned his Bachelor’s and Master’s degrees from Auburn. He is a native of Alabama. He got his Ph.D from the University of North Carolina and wrote his dissertation on the Populist movement in Alabama. The heritage of that Populist movement we occasionally, as a matter of fact, quite often, see here particularly among those of our members who come from North Florida.

Dr. Rogers, who is noted for his ability to blow away the dry dust of history is here today to try to bring alive some of the memories of Franklin Roosevelt. It is really a pleasure to introduce Dr. Rogers.

**Dr. Rogers:** Franklin Delano Roosevelt was born at Hyde Park, New York, on January 30, 1882. He died at Warm Springs, Georgia, of a cerebral hemorrhage on April 12, 1945. In the remarkable career that spanned those sixty-three years, he is best known to us and to history as the thirty-second President of the United States. He would have been one hundred years old this Saturday.

FDR, as he was popularly called, came from Dutch and English ancestors who had settled in the Hudson River Valley in the seventeenth century. In 1887, when he was five, Roosevelt was introduced to the then President, Grover Cleveland.

Patting Roosevelt's head, Cleveland said, "My little man, I am making a strange wish for you. It is that you may never be President of the United States."

FDR was brought up as an aristocrat. The family mansion overlooked the Hudson River, and he spent quiet summers in England, had governesses and private tutors, went to prep school at Groton, and was an undergraduate at Harvard. He was athletic, active in campus activities, and popular with his classmates, but he was not a brilliant student. At Harvard Roosevelt edited *The Crimson* and graduated in 1904. Later, he attended law school at Columbia University, was admitted to the bar in 1907, and practiced law in New York.

In 1905, he married his distant cousin, Eleanor Roosevelt. They would have six children. Eleanor's uncle, Theodore Roosevelt himself, came to New York to give the bride away. In 1910, FDR entered politics, and, campaigning in a red Maxwell convertible, was elected to the state Senate. FDR always liked to drive fast—to the later dismay of secret service agents. Roosevelt had a lifetime love for the sea and for ships. From 1913-1920, he happily served as Assistant Secretary of the Navy.

We know now about the affair between FDR and Lucy Mercer (later Mrs. Winthrop Rutherford). Lucy was Eleanor's part-time social secretary. The affair began, apparently, in 1917. Eleanor found out and threatened a divorce. At that time such a scandal would have ruined the career of any aspiring politician, and so the affair ended. In later years they met at different times, and there is no doubt but that the episode permanently scarred the relationship between Eleanor and Franklin.

Tall, slender, handsome, and articulate, Roosevelt was named as James M. Cox's running mate in 1920. The national election was a disaster for the Democrats and a landslide victory for Warren G. Harding and the Republicans. The defeated Vice Presidential candidate wrote to a friend: "Franklin D. Roosevelt, Ex V.P. Canned. (Erroneously reported dead)."

Roosevelt's political career seemed ended in 1921. After swimming in the cold waters of the Bay of Fundy off Campobello Island where the family had a summer home, he had an attack of polio. Seemingly, he was a has-been at thirty-nine. Yet he made a courageous physical comeback. Even so, he would never walk again without the use of crutches and by wearing heavy iron braces. During his recovery, Roosevelt was helped and encouraged by his wife and by Louis Howe, an Albany journalist. He discovered the waters of Warm Springs, and the small Georgia town became a haven for him.

Roosevelt had dash and flair like his fifth cousin Teddy. In 1924, he laboriously made his way to the podium of the national Democratic convention and placed the name of Governor Al Smith of New York before the delegates. FDR called him the "Happy Warrior". Smith had to wait until 1928 to get the nomination, and then he lost to Herbert Hoover. That same year, Roosevelt was elected governor of New York. This placed him in the national limelight and made him a contender for the Democratic nomination in 1932.

Meantime, the Great Depression hit with devastating impact, and rightly or wrongly, Hoover got the blame. We were in the most severe economic crisis in our history. Unemployment and breadlines were daily watchwords. FDR renewed his quest for the nomination, and aided by James A. Farley, a political wizard who knew everybody and signed his chatty letters in green ink, got it. Accepting the nomination, Roosevelt promised us a New Deal.

In 1932, most of us knew nothing about FDR. He seemed slightly snobbish, and he certainly spoke in patrician tones. Walter Lippman, the nation's most respected political analyst, wrote of FDR that, "He is a pleasant man who, without any important qualifications for the office, would very much like to be President." Roosevelt, according to Lippman, "simply does not measure up to the tremendous demands of the office of President."

Roosevelt not only won the nomination, he won the election. At his inauguration he told us that the only thing we had to fear was fear itself, "nameless, unreasoning, unjustified terror which paralyzes efforts to convert retreat into advance." Congress was called into special session for the famous, "Hundred Days", and the nation got an unprecedented amount of legislation designed to combat and get us out of the Great Depression.

We got the National Industrial Recovery Act, the Securities and Exchange Act, the Civil Works Administration, the Tennessee Valley Authority, the Agricultural Administration Act. A Civilian Conservation Corps was established and so was a Public Works Administration. Still later would come the National Labor Relations Act, the National Youth Administration, the Social Security Act, the Works Progress Administration, and many others.

Since Roosevelt was elected four times, we can conclude that his political abilities were exceptional, brilliant, and probably touched with genius. He had a streak of engaging good humor, surface geniality, and the gift of dramatizing political issues. Opponents saw him as cynical, vindictive, devious, a double-dealer, a man with an insatiable thirst for power. Admirers viewed him as warm-hearted, humanitarian, courageous, and magnanimous. The truth lay somewhere between the extremes, but he was a highly complex personality.

Roosevelt was a pragmatist. He said, "It is common sense to take a method and try it; if it fails, admit it frankly and try another. But above all, try something." In truth, the New Deal became an intricate set of compromises. After the New Deal the government would never again be considered a mere umpire for economic and social activity. It became a participant.

Roosevelt was a magnificent speaker. His fireside chats were called exercises in mass hypnotism. Americans huddled around their radios listening to FDR speak, really thought he was talking to them personally. In the bleak 1930's, we welcomed a voice of concern.

Not surprisingly, he inspired both love and bitter hatred. We wrote him letters like we had never written letters before. We certainly pulled no punches. One person wrote: "Dear President Roosevelt: I'm proud of our United States and every time I hear the 'Star-Spangled Banner' I feel a lump in my throat. There ain't no other nation in the world that would have sense enough to think of WPA and all the other A's." Another wrote, "My dear sir, It is expensive and a headache to have a playboy as President. Wipe that grin off your face." And so it went. One wrote, "Dear Honored Mr. Roosevelt: I never saw a President I would write to until you've got in your place, but I have always felt like you and your wife and your children were as common as we were." Another sincere and earthy tribute came from a tired textile worker in North Carolina who wrote FDR, "You're the only President we've ever had who would understand that my boss is a S.O.B."

Roosevelt did not pull the country out of the depression, but his confidence gave us confidence. He was flamboyant and charismatic. He projected an image of caring. If some of his programs failed, others succeeded. The jaunty thrust of his face, which led some to call him moosejaw, pleased most of us voters. If he wanted to wear pince-nez glasses, use a long cigarette holder, and drink two old fashions a day, we didn't care.

His reelection in 1936 was mind-boggling. He carried every state except Maine and Vermont. After the votes were counted someone hung a large banner across the highway leading from New Hampshire into Maine. It read, "You are Now Leaving The United States."

By the late 1930's, the domestic New Deal waned, and foreign affairs became uppermost. We know that Roosevelt broke historical precedent in 1940 when he became the first President to be elected for a third term. He was reelected for a fourth term in 1944. FDR presided over the nation's fortunes during World War II. The crises, the tension, the responsibilities—all were demanding and all took their toll. He was a highly successful commander during the conflict, and both friends and foes concede that in many ways he was a casualty of the war.

Although FDR looked terrible in his last months, his sudden death shocked us all. It upset me as a boy in a rural town in South Alabama. It simply was unacceptable. Any other man as President was inconceivable.

Yet he was dead. Roosevelt was mortal. He was flesh and blood. He certainly made mistakes, but he is one of the giants of the twentieth century. This enigmatic personality was truly a world leader. It is a measure of the man that many people in the United States refer to his era as the "Age of Roosevelt".

Thank you very much.

**The President presiding**

Senator Anderson announced that the Agriculture Committee meeting scheduled for February 1 had been cancelled.

Senator Hill announced that the Personnel, Retirement and Collective Bargaining Committee meeting scheduled for February 4 had been cancelled.

**CO-INTRODUCERS**

Senators Renick, Margolis, Gersten, Gordon, Henderson, Skinner, Johnston and Grizzle—SM 563; Senator Steinberg—SB 71; Senator Thomas—SB 338; Senator McKnight—Senate Bills 71 and 540; Senator Henderson—SB 540; Senator McClain—SB 59; Senator Rehm—SB 255

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of January 26 was corrected and approved.

The Journal of January 18 was further corrected and approved as follows:

Page 43, column 1, from bottom, strike lines 13 through 21 and insert: SB 427—A bill to be entitled An act relating to educational finance; amending s. 236.013(2)(c), Florida Statutes; changing the formula for computing fractional full-time equivalent student membership for students in certain educational programs; providing that such fractional full-time equivalent student memberships may be computed for certain summer remedial programs for students who fail to pass the functional literacy examination; providing an effective date.

Page 45, column 2, from bottom, line 5, after "McClain" insert: , Frank

Page 46, column 2, from bottom, strike lines 26 and 27 and insert: quiring optional home health care coverage and outline of such

On motion by Senator Dunn, the Senate recessed at 9:38 a.m. to convene at 9:00 a.m., Tuesday, February 2.